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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,044

10/28/2003

Mu-Hyun Kim

1514.1034

3882

49455

7590

05/19/2008

STEIN, MCEWEN & BUI, LLP

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EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

05/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,044

Applicant(s)

KIM ET AL.

Examiner

Dawn Garrett

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11, 24, 26, 27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 24, 26, 27 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

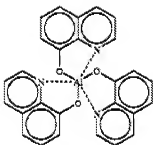
- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1-18-08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

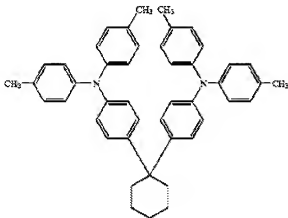
1. This Office action is responsive to the amendment filed February 21, 2008. Claims 24 and 30 were amended. Claims 4, 12-23, 25, 28 and 29 were canceled. Claims 1-3, 5-11, 24, 26, 27, and 30 are pending.
2. As stated in the previous Office action, the species under consideration are the following:

Formula I for the low molecular weight organic electroluminescent material (shown in claim 3)



;

Formula 14 for the hole transmitting layer material (shown in claim 5)



;

Formula 19 for the hole injecting material (shown in claim 6)



1, 3,4 –oxadiazole derivative for the electron injecting layer material (shown in claim 7);
and TAZ for the hole blocking material (claim 8).

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 7-11, 24, 26, and 30 are again rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kwon et al. (EP 0 851 714). Kwon et al. disclose a donor film for an organic electroluminescence device comprising a base film (substrate film), a light-absorbing layer (photothermal conversion layer)

and a transfer layer formed of a luminous material (see abstract). All of the adhesion properties set forth in claim 1 are considered to be inherent to the donor film. One purpose of a donor film is to adhere better to the substrate onto which it is transferred as compared to the substrate it is leaving. The process limitations in claim 1 are not significant, because the product, a donor film, is being claimed. Kwon et al. discloses formula (1) for the transfer layer, which is identical to formula 1 of claim 3 with regard to the low molecular weight organic electroluminescent material (see page 4, lines 21-35). The transfer layer may further comprise hole transfer material and electron transfer material per claim 4 (see abstract). The hole transfer material may include formula (8), which is identical to Formula 14 of claim 5 (see page 6, lines 25-43). Kwon et al. further discloses 1, 3, 4-oxadiazole derivative as an electron transfer material per claim 7 (see page 6, lines 20-24). In addition, Kwon et al. discloses TAZ per claim 8 (see page 6, lines 20-24). The light absorbing layer (photothermal layer) is comprised of polymer containing carbon black, graphite or infrared absorbing dye (see page 4, lines 8-10) per claims 9 and 10. The base film (substrate film) is comprised of any transparent polymer including polyesters (see col. 4, lines 4-7). Kwon et al. further discloses a gas generating layer (see claim 15, page 18) with regard to claim 26. Kwon et al. is deemed to be sufficient to anticipate the claims; however, in the alternative that Kwon et al. is not considered to be sufficient to anticipate these claims and their recited properties, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a device comprising all the recited components, because Kwon et al. teaches all the materials to form such a device.

With regard to claims 1, 8, 24 and 30, while Kwon does not use the express language "hole blocking layer", Kwon teaches a layer comprising preferred hole blocking layer material

TAZ as set forth in dependent claim 8. Accordingly, the layer described as a “hole blocking layer” is the same as the layer comprising TAZ as disclosed by Kwon. The properties of the TAZ compound are inherent. Furthermore, electron transporting materials are known in the art as having a hole blocking function as evidenced by the discussion of electron transport materials and their hole blocking property in U.S. Patent No. 5,869,199 at col. 7, lines 38-52.

6. Claims 1-3, 6-9, 11, 24 and 30 are again rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Akai (US 2003/0045021). Akai discloses transfer donor films for organic electroluminescent devices (see abstract and par. 82). The donor film comprises a base film (substrate) formed of a polymer such as PET (see par 84) and an organic film (see par. 87). The organic film (transfer layer) comprises multiple layers (see par. 87-89). One of those layers of the organic film may be a light emitting layer comprising Alq3 per Formula 1 of claim 3 (see par. 93). A further layer may comprise the following materials: CuPc (per claim 6), oxadiazole compounds (per claim 7), and triazole derivatives (per claim 8) (see par. 95 and 96). A light to heat conversion layer is formed on the base film per the photothermal film (see par. 86). Akai is deemed to be sufficient to anticipate the claims; however, in the alternative that Akai is not considered to be sufficient to anticipate these claims and their recited properties, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a device comprising all the recited components, because Akai teaches all the materials to form such a device.

With regard to claims 1, 8, 24 and 30, while Akai does not use the express term “hole blocking layer”, Akai teaches a layer comprising preferred hole blocking layer materials as set forth by applicant in dependent claim 8 (i.e. triazole derivatives). The properties of the Akai

compound and applicant's hole blocking compound are the same since they are the same materials. Furthermore, electron transporting materials are known in the art as having a hole blocking function as evidenced by the discussion of electron transport materials and their hole blocking property in U.S. Patent No. 5,869,199, at col. 7, lines 38-52.

7. Claim 27 is again rejected under 35 U.S.C. 103(a) as being unpatentable over Kwon et al. (EP 0 851 714) in view of Fujita et al. (US 2003/0008224). Kwon et al. is relied upon as set forth above. Kwon et al. discloses a gas generating layer (see claim 15, page 18) with regard to claim 26, but fails to set forth the specific gas-generating compounds of claim 27. Fujita et al. teaches in analogous art an exemplary gas-generating layer comprising either PETN or TNT (see par. 59). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected either PETN or TNT as a gas-generating material of the gas-producing layer of the donor film taught by Kwon, because Fujita et al. teach PETN or TNT as gas-generating material in the art.

Response to Arguments

8. Applicant's arguments filed February 21, 2008 have been fully considered but they are not persuasive.

Applicant argues both Kwon and Akai teach TAZ has both hole-blocking and electron-transporting properties and can therefore be used for more than one type of layer. In response, the examiner submits the claims to do not recite an electron transporting layer and the layer comprising TAZ is not being relied upon to teach two different layers. Applicant argues Kwon and Akai do not expressly mention a "hole blocking layer" within their disclosures. The examiner submits an electron transporting layer inherently has hole blocking properties despite

the term chosen to describe such a layer. Furthermore, where the Patent Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the characteristics relied on (see *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 229 (CCPA 1971)).

The examiner notes the attached reference, *Macromol. Symp.* Vol. 125, 1997, page 37, as further evidence that TAZ compounds act as a hole-blocking material and transport electrons (see page 37, second full paragraph, lines 5-8).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dawn Garrett/
Primary Examiner, Art Unit 1794